

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YAHKIMA GOMEZ-KADAWID,

Plaintiff,

-against-

DR. LEE, DR. ALSABAN, DR. LEANTT,

Defendants.

20cv01786 (VEC) (DF)

ORDER OF SERVICE

DEBRA FREEMAN, United States Magistrate Judge:

In this Section 1983 action, *pro se* plaintiff Yahkima Gomez-Kadawid (“Plaintiff”) has been granted permission to proceed in this case *in forma pauperis* (“IFP”) (*see* Dkt. 7), and he is therefore entitled to rely on the Court and the U.S. Marshals Service to effect service of process on Defendants. *See Walker v. Schult*, 717 F.3d. 119, 123 (2d Cir. 2013); 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); *see also* Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

As noted in an Order of this Court dated January 4, 2021 (Dkt. 16), the Marshals Service, to date, has been able to serve process on two of the three Defendants in this case, but its attempt to serve the third defendant, Dr. Lee, was unsuccessful, as service was attempted at Bellevue Hospital, and Dr. Lee was reportedly no longer employed at that location. Under the circumstances, this Court directed the New York City Law Department to ascertain and provide to the Court the last-known address for Dr. Lee (*see id.*), and the Law Department has now complied with this directive (*see* Dkts. 21, 23).

Accordingly, so as to allow Plaintiff to effect service on defendant Dr. Lee through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service

Process Receipt and Return form (“USM-285 form”) for Dr. Lee, using the address provided herewith (which address should be maintained as confidential and not placed on the public Docket). The Clerk of Court is further instructed to issue a Summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon this defendant.

The Clerk of Court is further directed to modify the Docket so as to reflect Plaintiff’s updated address (of which Plaintiff informed the Court by letter, filed at Dkt. 25, and which is shown below), and to mail a copy of this Order to Plaintiff at that new address, together with additional copies of the Orders filed at Dkts. 23 and 24, which Plaintiff may not have previously received.

Dated: New York, New York
March 1, 2021

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

Yahkima Gomez-Kadawid
#19A1623
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562

Defendants’ counsel (by ECF)